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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,087	11/20/2003	Steven Edward Atkin	AUS920030867US1	9420

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EXAMINER
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SAINDON, WILLIAM V

ART UNIT	PAPER NUMBER
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3623

NOTIFICATION DATE	DELIVERY MODE
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04/11/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/718,087	<b>Applicant(s)</b> ATKIN ET AL.	
	<b>Examiner</b> William V. Saindon	<b>Art Unit</b> 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/20/2003</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The following NON FINAL Office Action is in response to Applicant's submission received November 20, 2003. Claims 1-20 are pending.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 9-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

**As to claims 9-15**, a system is recited in the preamble. However, the system does not contain any physical structure, comprising only of various non-statutory software means.

**As to claims 16-20**, a computer readable medium is recited in the preamble. However, computer readable media includes, according to page 22 of the specification, "transmission-type media, such as digital and analog communications ... such as ... radio frequency and light wave transmissions." Therefore, the claims are directed towards non-statutory signals.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 4, 6, 9-15, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**As to claim 2**, it is unclear if the local times included in the calendar view means that each meeting for that day is shown in its local time zone (e.g. April 2nd: Detroit meeting - 10 am EST, Chicago meeting 10 am CST), or if the meeting's time data are each associated with a particular time zone (e.g. when in Detroit, the schedule says: Detroit meeting 10 am, Chicago meeting 11 am). For purposes of examination, the Examiner will construe the claim as intending the latter.

**As to claim 4**, location information for a potential participant is obtained. However, in claim 3, location information already collect from a set of potential participants. It is unclear if Applicant intends that the participant of claim 4 belongs to the set of participants in claim 3. If so, then why is the data being obtained again? For purposes of examination, the Examiner will construe the claim as intending that the participant of claim 4 belongs to the set in claim 3, and that his or her information is not re-obtained, but merely used.

**As to claim 6**, the "obtaining step" of claim 1 is further limited. However, there is not obtaining step in claim 1. Therefore, it is unclear what Applicant intends to claim as there is no basis for this limitation.

**As to claims 9-15**, various "means for" are claimed, but there is no support for their corresponding structure in the specification, as required by § 112, 6th paragraph.

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The Examiner requests Applicant to either particularly point out the corresponding structures in the specification or remove the "means for" language.

**Claims 11, 13, and 18** have similar deficiencies as claims 4, 6, and 4, respectively.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 6, 8-10, 13, 15-17, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lapuyade et al. (US 7,219,109) (hereinafter Lapuyade).

**As to claim 1**, Lapuyade discloses a method in a data processing system for managing scheduling information in a calendar program, the method comprising:

storing location information with scheduling information for a user, wherein the location information includes a time zone associated with a location for the user for a particular day (see Fig. 2, noting the event has a time zone associated with it); and

presenting a calendar view for the user with meetings being shown using a local time using the time zone associated with the location of the user (see id., noting the calendar in the background, the meeting item storing time zone data).

**As to claim 2**, Lapuyade discloses the user is present in multiple time zones for the particular day and wherein the calendar view includes local times for each of the multiple time zones (see Fig. 10, noting that the calendar view displays times in whatever the current time zone is; see also Fig. 11, noting that the time zone updates according to which time zone the user enters).

**As to claim 3**, Lapuyade discloses:

obtaining location information for a set of potential participants for a meeting (see col. 8, lines 5-14, noting that there are two potential participants for a phone meeting, one in France, and one in California); and

responsive to the user selecting a proposed meeting time for the particular day, displaying the meeting time for a potential participant in the set of potential participants using a local time for the potential participant on the particular day (see id., noting that both users see the scheduled meeting time in their respective time zone).

6. The method of claim i, wherein the obtaining step is initiated in response to the user identifying the set of potential participants.

**As to claim 8**, Lapuyade discloses the location information is stored locally in the data processing system (see col. 6, lines 44-62, noting the system stores the data locally).

**Claims 9 and 10** are rejected for similar reasons as claims 1 and 2.

**Claim 13** is rejected for similar reasons as claim 6.

**Claim 15** is rejected for similar reasons as claim 8.

**Claims 16 and 17** are rejected for similar reasons as claims 1 and 2.

**Claim 20** is rejected for similar reasons as claim 8.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 4, 5, 7, 11, 12, 14, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapuyade, as applied to claims 1, 9, and 16 above, in view of Examiner's Official Notice.

**As to claim 4, Lapuyade discloses:**

obtaining location information for a potential participant for a meeting (see Fig. 2, noting that location information for the user for a meeting with Yoshida is obtained);

But Lapuyade fails to explicitly disclose:

determining whether a day is present in which the user and the potential participant are in a common location; and

responsive to the day being present, scheduling a meeting between the user and the potential participant on the day.

However, the Examiner takes Official Notice that it is old and well known to schedule meetings between people who are in a common location. For example if a person is traveling, and knows a friend at the place she is traveling, then the traveler will often call or email the friend to meet for lunch.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to specify that a meeting with location information in Lapuyade would be scheduled when people are in a common location because such occurrences are ubiquitous.

**As to claim 5**, Lapuyade fails to explicitly disclose displaying an indication of business hours for each day based on the location information.

However, the Examiner takes Official Notice that it is old and well known to display business hours using a local time zone. For example, businesses often post their hours near the entrance in a local time zone, so that people know when the business is open for business. Additionally, users of calendars often display their business hours so that other users looking at their calendar know when they are at work.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention to specify that the calendar of Lapuyade displayed a user's



business hours using a time zone for the purpose of allowing others to know their working hours.

**As to claim 7**, Lapuyade fails to explicitly disclose displaying an indication of holidays based on the location information, wherein a holiday for a selected day is based on a location of the user on the selected day.

However, the Examiner takes Official Notice that it is old and well known to present holiday information on a calendar, the holiday information based on the location in which the user is. For example, paper calendars for years have placed holidays in the appropriate days. Calendars bought in one country differ than calendars bought in another, reflecting the differences in holidays by different locales.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of invention for the calendar in Lapuyade to include holiday information that was based upon location, for the purpose of providing holiday information relevant to the user's current location.

**Claims 11 and 18** are rejected for similar reasons as claim 4.

**Claims 12 and 19** are rejected for similar reasons as claim 5.

**Claim 14** is rejected for similar reasons as claim 7.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miller et al. (US 2003/0054325) disclose automatically changing the time of appointments based upon a change in the user's time zone.

Elsey et al. (US 2003/0088427) disclose synchronizing the time of appointments when multiple users access data across multiple time zones.

Fu et al. (US 5,845,257) disclose scheduling and tracking events across multiple time zones.

Hetherington et al. (US 6,275,810) disclose scheduling holidays corresponding to a set of holidays specific to a given locale.

Sparer et al. (US 2005/0216639) disclose establishing a separate time zone for each user such that each appointment show information in that particular user's time zone.

Blair et al. (US 6,111,572) disclose locale-sensitive calendars.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William V. Saindon whose telephone number is (571)270-3026. The examiner can normally be reached on M-F 7:30-5; alt. Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/wvs/

/Jonathan G. Sterrett/  
Primary Examiner, Art Unit 3623